

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE – COOKEVILLE DIVISION**

IN RE:

MARK ALLAN MANGANO  
xxx-xx-4262  
RANDA HADDAD MANGANO  
xxx-xx-5148  
39 PIGEON RIDGE RD  
CROSSVILLE TN 38555

DEBTORS.

CASE NO. 08-12375-KL2-7  
CHAPTER 7  
JUDGE Keith M. Lundin

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**THE DEADLINE FOR FILING A TIMELY RESPONSE IS: 3/5/09  
IF A RESPONSE IS TIMELY FILED, THE HEARING WILL BE: 4/23/09, 9:30 A.M.  
L. CLURE MORTON FEDERAL BUILDING AND POST OFFICE, 9 BROAD STREET, COOKEVILLE, TN**

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**NOTICE OF MOTION TO EMPLOY AS COUNSEL THE LAW FIRM IN WHICH HE IS A PARTNER**

John C. McLemore, Trustee, has asked the Court for the following:

Permission of the Court to employ the firm of Garfinkle, McLemore & Walker, PLLC, to represent him in the above-styled matter.

**YOUR RIGHTS MAY BE AFFECTED.** If you do not want the Court to grant the attached motion, or if you want the Court to consider your views on the motion, then on or before 3/5/09, you or your attorney must:

1. File with the Court your response or objection explaining your position. **PLEASE NOTE: THE BANKRUPTCY COURT FOR THE MIDDLE DISTRICT OF TENNESSEE REQUIRES ELECTRONIC FILING. ANY RESPONSE OR OBJECTION YOU WISH TO FILE MUST BE SUBMITTED ELECTRONICALLY. TO FILE ELECTRONICALLY, YOU OR YOUR ATTORNEY MUST GO TO THE COURT WEBSITE AND FOLLOW THE INSTRUCTIONS AT: <https://ecf.tnmb.uscourts.gov>.**

If you need assistance with Electronic Filing you may call the Bankruptcy Court at (615) 736-5584. You may also visit the Bankruptcy Court in person at: U.S. Bankruptcy Court, 701 Broadway, 1<sup>st</sup> Floor, Nashville, Tennessee (Monday – Friday, 8:00 a.m. – 4:00 p.m.).

2. **Your response must state that the deadline for filing responses is 3/5/09, the date of the scheduled hearing is 4/23/09 and the motion to which you are responding is *Motion to Employ as Counsel the Law Firm in Which he is a Partner*.**
3. You must serve your response or objection by electronic service through the Electronic Filing system described above. You must also mail a copy of your response or objection to:

John C. McLemore, Trustee  
P. O. Box 158249  
Nashville, TN 37215-8249

United States Trustee  
701 Broadway, Customs House Suite 318  
Nashville, TN 37203

If a timely response is filed before the deadline stated above, the hearing will be held at the time and place indicated above. ***THERE WILL BE NO FURTHER NOTICE OF THE HEARING DATE.*** You may check whether a timely response has been filed by calling the Clerk's office at (615) 736-5584 or viewing the case on the Court's website at [www.tnmb.uscourts.gov](http://www.tnmb.uscourts.gov).

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

This 13<sup>th</sup> day of February, 2009.

Respectfully submitted,

/s/ John C. McLemore, Trustee  
John C. McLemore, Trustee  
Tn. Bar No. 3430  
P.O. Box 158249  
Nashville, TN 37125-8249  
(615) 383-9495 (phone)  
(615) 292-9848 (fax)  
[jmclmore@gmwpllc.com](mailto:jmclmore@gmwpllc.com)

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**MOTION TO EMPLOY AS COUNSEL THE LAW FIRM IN WHICH HE IS A PARTNER**

Comes the Trustee, John C. McLemore, and respectfully requests permission of the Court to employ the firm of Garfinkle, McLemore & Walker, PLLC, to represent him in the above-styled matter. In support of this motion, the Trustee respectfully represents:

1. He has been appointed Trustee of the above-styled estate, is duly qualified and acting.
2. He requires the assistance of counsel to enable him to perform properly his functions as Trustee. Specifically, retention of attorneys is necessary in connection with one or more of the following matters:
  - 2.1 The examination of officers of the Debtor and other parties as to the acts, conduct and property of the Debtor;
  - 2.2 The preparation of records and reports as required by the Bankruptcy Rules and the Local Rules of Bankruptcy Procedure;
  - 2.3 The preparation of motions and proposed orders to be submitted to the Court;
  - 2.4 The identification and prosecution of claims and causes of action assertable by the Trustee on behalf of the estate herein;
  - 2.5 The examination of proofs of claim previously filed and to be filed herein, and the possible prosecution of objections thereto;
  - 2.6 Advising the trustee and preparing documents in connection with any limited ongoing operation of the Debtor's business;
  - 2.7 Advising the Trustee and preparing documents in connection with the liquidation of assets of the estate including analysis and collection of outstanding receivables;
  - 2.8 Accomplishing title searches and closing real estate transactions necessary in the administration of the estate;
  - 2.9 Assisting and advising the trustee regarding the performance of his other official functions.
3. The Trustee desires to retain and employ the firm of Garfinkle, McLemore & Walker, PLLC, as his attorneys under a general retainer to perform such of the above described services as are necessary and are desirable in the administration of this estate.
4. The Trustee has selected this firm as counsel because of the extensive experience and knowledge of the firm's members in the field of bankruptcy, insolvency and debtors' and creditors' rights, and other matters. Accordingly, the Trustee believes these attorneys are well qualified to represent him in this case.

5. It is necessary and essential that the Trustee employ the attorneys under a general retainer based on time and standard billable charges, because of the extensive legal services required for this estate.

6. The firm of Garfinkle, McLemore & Walker, PLLC, has indicated its willingness to act on the Trustee's behalf. The firm consists of three partners. The partners are: Robert M. Garfinkle, John C. McLemore, and Edwin M. Walker. The following are the billing rates for each member of the firm:

Robert M. Garfinkle	\$350 per hour
John C. McLemore	\$350 per hour
Edwin M. Walker	\$350 per hour

Should the firm of Garfinkle, McLemore & Walker, PLLC, employ any additional attorneys during the course of its representation of the Trustee, any work performed by such attorney will be billed at a rate which will not exceed \$350.00 per hour. The rates reflected in this motion became effective January 1, 2009.

Should the firm of Garfinkle, McLemore & Walker, PLLC, employ any paralegals during the course of its representation of the Trustee, any work performed by such paralegals will be billed at a rate which will not exceed \$75.00 per hour.

7. The Trustee is a partner in the firm of Garfinkle, McLemore & Walker, PLLC. The Trustee may on occasion serve as his own attorney while conducting the administration of this estate if such action is in the best interest of the estate.

I VERIFY UNDER PENALTY OF PERJURY, except as set forth on Appendix A hereto and in paragraph 7 hereof, the members of the firm of Garfinkle, McLemore & Walker, PLLC, have no connection with the Debtor, its creditors or any other party in interest, or their respective attorneys or accountants, the United States Trustee, or any person employed in the office of the United States Trustee, and represent no interest adverse to the estate in the matters upon which it is to be retained. The Trustee and the members of the firm of Garfinkle, McLemore & Walker, PLLC, are "disinterested persons" as this term is defined in 11 U.S.C. 101(13), and are qualified to act as counsel in these matters.

WHEREFORE, applicant requests the entry of an order authorizing him to employ and retain the firm of Garfinkle, McLemore & Walker, PLLC, pursuant to and under a general retainer on the terms and conditions specified herein.

Dated this 13<sup>th</sup> day of February, 2009.

Respectfully submitted,

/s/ John C. McLemore, Trustee

John C. McLemore, Trustee

Tn. Bar No. 3430

P.O. Box 158249

Nashville, TN 37215-8249

(615) 383-9495 (phone)

(615) 292-9848 (fax)

[jmclmore@gmwpllc.com](mailto:jmclmore@gmwpllc.com)

**APPENDIX A**

JOHN C. McLEMORE, A PARTNER IN THE FIRM OF GARFINKLE, McLEMORE & WALKER, PLLC, IS A MEMBER OF THE TRUSTEE PANEL FOR THE MIDDLE DISTRICT OF TENNESSEE AND WAS APPOINTED TO THAT POSITION BY THE U.S. TRUSTEE FOR REGION VIII.

I FURTHER VERIFY UNDER PENALTY OF PERJURY THAT THE STATEMENTS CONTAINED IN THE FOREGOING MOTION ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, AND THAT NEITHER I NOR ANY MEMBER OF THE LAW FIRM OF GARFINKLE, McLEMORE & WALKER, PLLC, HAVE ANY CONNECTION WITH THE DEBTOR, THE CREDITORS, OR ANY OTHER PARTY IN INTEREST (OTHER THAN THE TRUSTEE), THEIR RESPECTIVE ATTORNEYS AND ACCOUNTANTS EXCEPT AS DISCLOSED BELOW:

\_\_\_\_\_  

NONE
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\_\_\_\_\_

/s/ John C. McLemore  
John C. McLemore

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**ORDER TO EMPLOY AS COUNSEL THE LAW FIRM IN WHICH HE IS A PARTNER**

Upon consideration of the notice and motion of John C. McLemore, Trustee, for authority to employ the firm of Garfinkle, McLemore & Walker, PLLC, in connection with the above-styled matter, and it appearing that all members in the firm of Garfinkle, McLemore & Walker, PLLC, are duly admitted to practice in this Court, and represent no interest adverse to this estate, and no objections having been filed;

And John C. McLemore having stated in his application that he is a partner in the firm of Garfinkle, McLemore & Walker, PLLC;

And it appearing to the Court that employment of counsel in this matter is necessary; it is hereby

**ORDERED** that John C. McLemore, Trustee, is authorized to employ the firm of Garfinkle, McLemore & Walker, PLLC, to represent him in the administration of the above-styled estate.

Counsel for the Trustee will make application to the Court for approval of all fees.

This Order was signed and entered electronically as indicated at the top of this page.

**APPROVED FOR ENTRY:**

/s/ John C. McLemore, Trustee

John C. McLemore, Trustee

Tn. Bar No. 3430

P.O. Box 158249

Nashville, TN 37215-8249

(615) 383-9495 (phone)

(615) 292-9848 (fax)

[jmclmore@gmwpllc.com](mailto:jmclmore@gmwpllc.com)

*Proposed*

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**CERTIFICATE OF SERVICE**

I hereby certify that on the date noted below, a true and correct copy of the foregoing listed below was either served electronically or by U.S. Mail, postage prepaid to the U.S. Trustee, 701 Broadway, Customs House Suite 318, Nashville, TN 37203; Debtors, Mark Allan Mangano and Randa Haddad Mangano, 39 Pigeon Ridge Rd., Crossville, TN 38555, and to Debtors' attorney, Richard Dale Bohannon, 115 S. Dixie Ave., Cookeville, TN 38501-3401.

This 13<sup>th</sup> day of February, 2009.

Respectfully submitted,

/s/ John C. McLemore, Trustee  
John C. McLemore, Trustee  
Tn. Bar No. 3430  
P.O. Box 158249  
Nashville, TN 37215-8249  
(615) 383-9495 (phone)  
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**Attachments:**

- (1) NOTICE OF MOTION TO EMPLOY AS COUNSEL THE LAW FIRM IN WHICH HE IS A PARTNER
- (2) MOTION TO EMPLOY AS COUNSEL THE LAW FIRM IN WHICH HE IS A PARTNER
- (3) APPENDIX A TO THE MOTION TO EMPLOY AS COUNSEL THE LAW FIRM IN WHICH HE IS A PARTNER
- (4) PROPOSED ORDER TO EMPLOY AS COUNSEL THE LAW FIRM IN WHICH HE IS A PARTNER